

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
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VIA ECF

February 14, 2020

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

Plaintiffs submit this reply to Saudi Arabia's February 13, 2020 letter opposing oral argument of Plaintiffs' Second Motion to Compel.

In effect, Saudi Arabia argues that its own unilateral confidentiality designations should serve as grounds to deprive Plaintiffs of oral argument. But allowing the Kingdom to manipulate the accommodations that the Court extended to Saudi Arabia in this manner would establish a bad precedent. The parties already have successfully addressed confidential materials before the Court at prior hearings, including during the oral argument of Plaintiffs' First Motion to Compel. See February 23, 2019 Hearing at 22 (referencing Thumairy's performance review). And if the Kingdom (or any other party) wants to request that the courtroom be closed at any point in the proceedings to protect their alleged confidentiality interests, it can do so.

The Kingdom offers conclusory claims that oral argument will "delay resolution" of a "straightforward" motion. A hearing, however, will assist the Court to review and decide the complex and substantial issues raised in Plaintiffs' Second Motion to Compel involving, among other things, the role of Saudi Prince Abdulaziz bin Fahad in directing Fahad al-Thumairy's work inside the United States.

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Indeed, oral argument has already played a vital role in this case to advance and resolve issues. For example, it was during oral argument on Plaintiffs' First Motion to Compel at the February 2019 hearing, that Saudi Arabia acknowledged there was a "letter concerning Mr. Thumairy's supervisory responsibilities." February 23, 2019 Hearing at 56. In sum, oral argument is needed to create a complete record, and achieve fairness.

Respectfully submitted,

COZEN O'CONNOR

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MDL 1570 Plaintiffs' Exec. Committee
for Commercial Claims

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MDL 1570 Plaintiffs' Exec. Committee
for Personal Injury and Death Claims

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cc: All Counsel via ECF